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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, NORTHERN DIVISION

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DAVID WEBB,

Plaintiff,

v.

TIMOTHY SCOTT, et al.,

Defendants.

MEMORANDUM DECISION

Case No. 1:11-cv-00128-DB-DBP

District Judge Dee Benson

Magistrate Judge Dustin B. Pead

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**I. INTRODUCTION**

This civil rights matter was referred to the Court under 28 U.S.C. § 636(b)(1)(B). (Docket No. 42.) Throughout this litigation, pro se Plaintiff has caused considerable confusion through his attempts to file documents with the Court and to serve such documents on opposing counsel. Plaintiff has emailed proposed documents to various individuals at the Court, both in the Clerk's Office and in Chambers. Alternatively, Plaintiff has mailed copies of documents to more than one person at the Court. He has also served documents on opposing counsel without first filing them with the Court, creating confusion about when responsive documents should be filed. Plaintiff now moves for leave to file pleadings via email attachments due to his "extreme" in forma pauperis status. (Dkt. No. 42 at 1.) For the reasons discussed below, the Court **DENIES** the motion.

## **II. ANALYSIS OF PLAINTIFF'S MOTION FOR LEAVE TO FILE PLEADINGS VIA EMAIL ATTACHMENTS**

“A court may, by local rule, allow papers to be filed . . . by electronic means . . . .” Fed. R. Civ. P. 5(d)(3). However, in general, neither this Court’s local Rules of Practice nor its local Administrative Procedures Manual allow papers to be filed by attaching such papers to emails. *See* DUCivR 5-1(b) (instructing that papers must be filed in person with the Clerk of Court, in the filing box located on the Court’s south porch, by mail, or “through the [C]ourt’s electronic filing system.”); District of Utah CM/ECF and E-filing Administrative Procedures Manual, at ii (2013) (defining electronic filing as uploading documents “directly from a computer using the Court’s CM/ECF system.”).

To the extent this Court may interpret Plaintiff’s motion as a request to use the Court’s electronic filing system, Plaintiff cannot act as an e-filer because he appears pro se. District of Utah CM/ECF and E-filing Administrative Procedures Manual § I.A.2. Under this Court’s local Rules of Practice and local Administrative Procedures Manual, only attorneys who are trained and certified by the Court have permission to file documents electronically in the CM/ECF system. *Id.* §§ I.A.1, I.A.3.

## **III. ORDERS**

For the reasons described above, the Court **DENIES** Plaintiff’s motion for leave to file documents via email attachments. (Dkt. No. 42.)

To facilitate orderly process in this matter, the Court issues the following **ORDERS**:

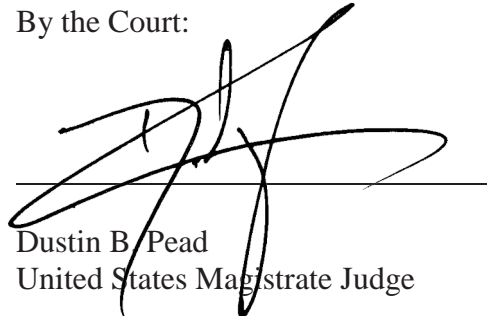
1. Plaintiff must submit his filings only in paper by mailing such filings to the Office of the Clerk of Court at the general mailing address for the Court:

United States Court for the District of Utah  
Office of the Clerk  
350 So. Main Street, Room 150  
Salt Lake City, Utah 84101

2. Plaintiff must submit only one copy of each pleading to the Office of the Clerk.
3. For documents required to be filed with the Court, service to opposing counsel will be effective when counsel receives the Notice of Electronic Filing (NEF) from the Court.  
  
Therefore, Plaintiff is relieved of his responsibility to independently serve opposing counsel.
4. Discovery materials not filed with the Court may be sent directly to opposing counsel.
5. Failure to comply with this **ORDER** may result in sanctions, including but not limited to the Court striking Plaintiff's filings.

Dated this 14<sup>th</sup> day of November, 2013.

By the Court:



Dustin B. Pead  
United States Magistrate Judge